

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RECEIVED

JAN 22 2014

EDNY PRO SE OFFICE

Robert Ainbinder Pro Se,
Cecilia Mackie Pro Se,

Plaintiffs,

-V-

Nathan Hingson,
Michael Demchar,
Michael Desposito,
Margaret Desposito,
MGM Capital,
Michael Harmon,

Defendants.

Civil Action No. 10-5270 (SFJ) (AKT)

RESPONSE TO REPORT AND
RECOMMENDATION
WRITTEN BY KATHLEEN TOMLINSON
ON 1/2/14

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT EDNY

JAN 22 2014

LONG ISLAND OFFICE

Dear Judge Tomlinson,

Please accept my apology that this response to the report and recommendation prepared by Kathleen Tomlinson on 1/2/14 is late. It has been mailed within the 14 deadline but will arrive with you a day or two late. This is partly due to the fact that I received the report and recommendation after 1/2/14 as it was mailed to me.

My name is Cecilia Mackie, plaintiff in the above referenced case. I am writing in response to the report and recommendation prepared by Kathleen Tomlinson on 1/2/14. The original summons and complaint was prepared by the plaintiffs (myself and Bob Ainbinder) who are appearing pro se. The pleadings within the complaint substantiate a cause of action of common law fraud against Michael Harmon. I refer to paragraphs 65 through 69 of the original complaint. The plaintiffs would like to proceed with a cause of action against Michael Harmon for fraud and to the extent to which the court feels the pleadings are defective we believe we have enough evidence to amend our pleading to conform to the proof against Michael Harmon. Based on federal rules of civil procedure 15 (b) (2) and 41 (b) (2) we would like to do this but proceed directly to the inquest on damages for purposes of efficiency.

Based on federal rules of civil procedure 15 (b) (2) and 41 (b) (2) I would also like to amend the pleading so as to demand a judgment of \$2 million on my claims against Nathan Hingson and to demand a judgment of \$2 million on my claims against Michael Harmon to conform to the evidence of damages submitted to the court.

Mail to Michael Harmon has been returned from the address at which he was originally served and we would like to ask the court for guidance on how to deal with serving this particular defendant.

Yours Sincerely

Cecilia Mackie

1/16/14

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Harry
Holidays



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